



Planning Commission Agenda

July 12, 2017

VB City of
Virginia Beach

The Virginia Beach Planning Commission Public Hearing is carried LIVE on VBTV, which is available on Cox Cable Channel 48, Verizon Cable Channel 45 and on VBgov.com's Media Center webpage at <http://www.vbgov.com/media/pages/videos.aspx>. The meeting is recablecast on Cox Channel 48 and Verizon Channel 45 the following morning at 9 a.m. and on Cox Channel 47 and Verizon Cable Channel 47 at 7 p.m. on the two consecutive Fridays following the live meeting. The meeting will also be available on the Media Center webpage for two months beginning the Friday after the live hearing.

Planning Commission Hearing Procedures

The Virginia Beach Planning Commission Public Hearing is held at 12:00 Noon in the Council Chamber of the City Hall Building, Municipal Center. A staff briefing is held at 9:00 a.m. in the City Manager's Conference Room, City Hall Building.

Those members of the public interested in attending the 12:00 Noon Public Hearing should be advised that, for reasons the Planning Commission deems appropriate, certain items on the agenda may be heard out of order and that it should not be assumed that the order listed in this document will be exactly followed during the public hearing.

PLEASE TURN OFF YOUR CELL PHONE WHILE IN THIS CHAMBER.

PLANNING COMMISSION ACTION IS NOT A FINAL DETERMINATION REGARDING THE APPLICATION, BUT ONLY A RECOMMENDATION TO THE CITY COUNCIL OF THE VIEWPOINT OF THE PLANNING COMMISSION. FINAL DETERMINATION OF THE APPLICATION WILL BE MADE BY CITY COUNCIL AT A LATER DATE AFTER PUBLIC NOTICE IN THE VIRGINIAN PILOT/BEACON.

IF YOU ARE ATTENDING THE HEARING AND DESIRE TO SPEAK ON AN ITEM, FILL OUT A 'SPEAKER CARD' AT THE DESK OUTSIDE THE COUNCIL CHAMBER PRIOR TO THE MEETING.

THE FOLLOWING DESCRIBES THE ORDER OF BUSINESS FOR THE PUBLIC HEARING
(IF YOU DO NOT UNDERSTAND, ASK A STAFF MEMBER SITTING AT THE DESK AT THE FRONT OF THE CHAMBER OR THE STAFF MEMBER AT THE DESK OUTSIDE THE CHAMBER).

1. **WITHDRAWALS AND DEFERRALS:** The first order of business is the consideration of withdrawals or requests to defer an item. The Commission will ask those in attendance at the hearing if there are any requests to withdraw or defer an item that is on the agenda. PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.
 - a. An applicant may withdraw an application without the Commission's approval at any time prior to the commencement of the public hearing for that item. After the commencement of the hearing, however, the applicant must request that the Planning Commission allow the item to be withdrawn.
 - b. In the case of DEFERRALS, the Commission's policy is to defer the item indefinitely with the understanding that the item will be placed back on the Commission's agenda at the earliest possible date. Although the Commission allows an item to be deferred upon request of the applicant, the Commission will ask those in attendance if there are any objections to the request for deferral. If you wish to oppose a deferral request, let the Commission know when they ask if there is anyone in attendance who is opposed to the deferral. PLEASE confine your remarks to the deferral request and do not address the issues of the application – in other words, please let the Commission know why deferring the application is unacceptable rather than discussing what your specific issue is with the application.
2. **CONSENT AGENDA:** The second order of business is consideration of the "consent agenda." The consent agenda contains those items
 - a. that the Planning Commission believes are unopposed and
 - b. which have a favorable Staff recommendation.

- * Deferral
** Withdrawal

If an item is placed on the Consent Agenda, that item will be heard with other items on the agenda that appear to be unopposed and have a favorable staff recommendation. The Commission will vote on all of the items at one time. Once the Commission has approved the item as part of the Consent Agenda, it is deemed approved and will not be discussed any further. It is important, therefore, if you have an objection to an item being placed on the Consent Agenda to note your objection as the Commission goes through the items being considered for the Consent Agenda. Also note that some consent agenda items may be subject to certain conditions, as in those items that are Conditional Use Permits.

Process for the Consent Agenda:

- The Commission will announce the item number and item title being considered for inclusion on the Consent Agenda.
- The Commission will ask if there is anyone in the audience representing the item, and if so, ask them to go up to the podium and state their name for the record.
- If there are conditions attached to the approval of the item, the Commission will ask the representative of the item if they are aware of the conditions and if they agree to the conditions.
- The Commission will then ask if there is anyone in the audience in opposition to the item. If you are opposed to the item, stand or raise your hand to let the Commission know.
- If the item is opposed, it will be removed from the consent agenda and heard in its normal place on the agenda.
- After the Commission has gone through all of the items that it believes should be on the Consent Agenda, it will vote at one time for all of the items, announcing the number of each item being voted on. Pay attention to the list of items being voted on.

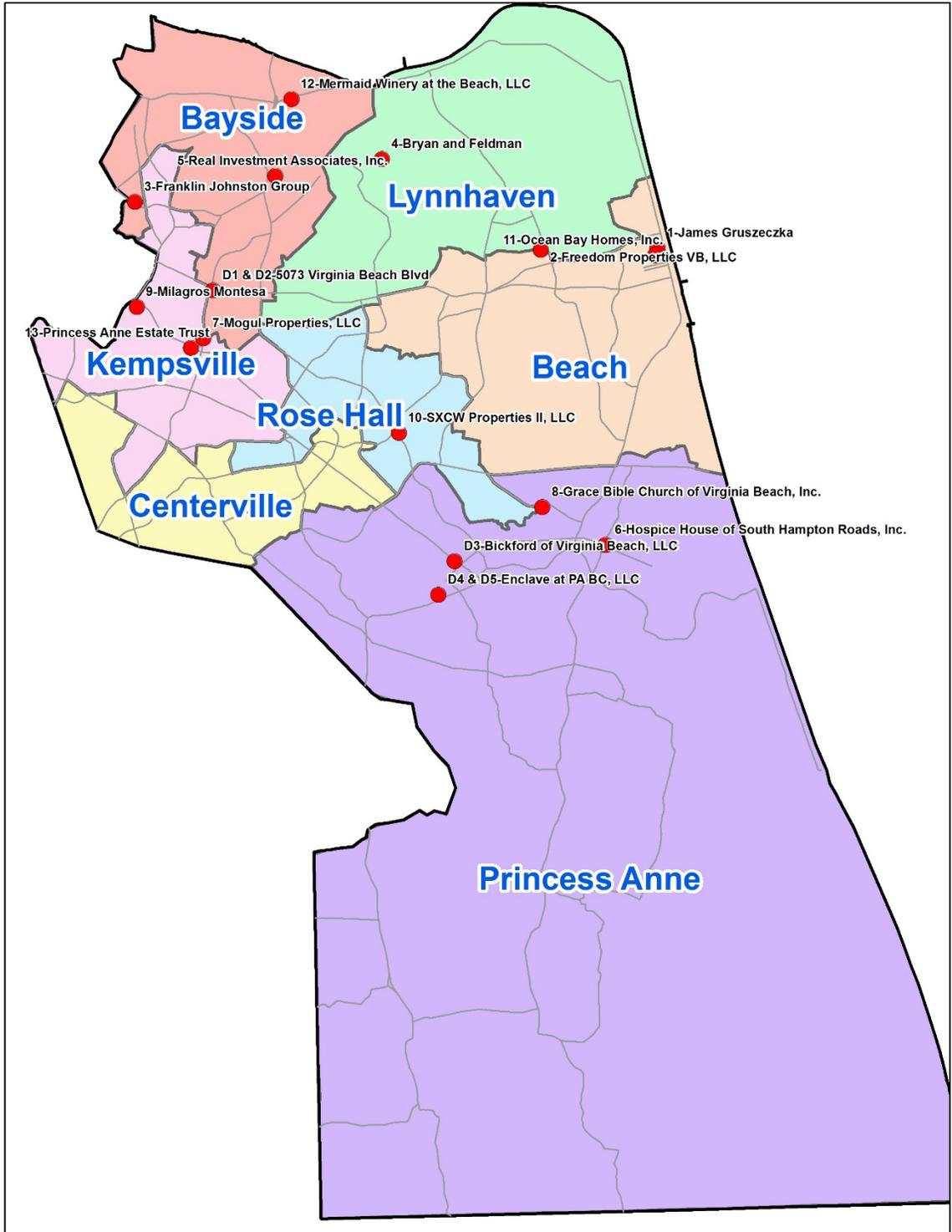
3. REGULAR AGENDA: The Commission will then proceed with the remaining items on the agenda, according to the following process:

- a. The applicant or applicant's representative will have 10 minutes to present its case.
- b. Next, those who wish to speak in support to the application will have 3 minutes to present their case.
- c. If there is a spokesperson for the opposition, he or she will have 10 minutes to present their case.
- d. All other speakers not represented by the spokesperson in opposition will have 3 minutes.
- e. The applicant or applicant's representative will then have 3 minutes for rebuttal of any comments from the opposition.
- f. There is then discussion among the Commission members. No further public comment will be heard at that point. The Commission may, however, allow additional comments from the opposition if a member of the Commission sponsors the opposition. Normally, you will be sponsored only if it appears that new information is available and the time will be limited to 3 minutes.
- g. The Commission does not allow slide or computer generated projections other than those prepared by the Planning Department Staff.
- h. The Commission asks that speakers not be repetitive or redundant in their comments. Do not repeat something that someone else has already stated. Petitions may be presented and are encouraged. If you are part of a group, the Commission requests, in the interest of time, that you use a spokesperson, and the spokesperson is encouraged to have his or her supporters stand to indicate their support.

The staff reviews of some or all of the items on this agenda suggest that certain conditions be attached to approval by City Council. However, it should not be assumed that those conditions constitute all the conditions that will ultimately be attached to the project. Staff agencies may impose further conditions and requirements during administration of applicable city ordinances

- * Deferral
- ** Withdrawal

JULY 12, 2017
PLANNING COMMISSION AGENDA



* Deferral
** Withdrawal

A.
COMMENTS BY DIRECTOR OF PLANNING AND CHAIR OF COMMISSION

B.
STAFF BRIEFINGS
Transition Area Update Presentation – City Staff

12:00 P.M. – PUBLIC HEARING

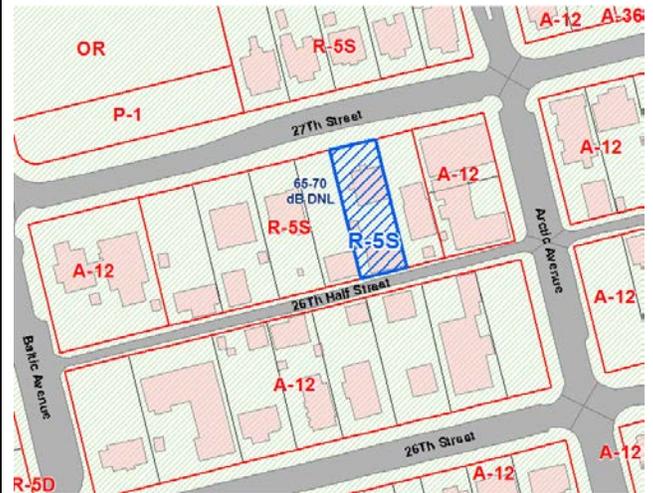
1. APPROVAL
(COUNCIL on August 15)
James Gruszczyk [Applicant] Mona Ave & Associates I, LLC[Owner]

Enlargement of a Nonconforming Use

406 27th Street

(GPIN 2418909472)

COUNCIL DISTRICT – BEACH
Staff Planner – Jonathan Sanders



2. DENIAL
(COUNCIL on September 5)
Freedom Properties VB, LLC [Applicant & Owner]

Conditional Rezoning (R-15 Residential to Conditional O-2 Office)

Northern Side of Wolfsnare Road near the intersection of Wolfsnare Road & First Colonial Road

(GPIN 2408604261)

COUNCIL DISTRICT – LYNNHAVEN
Staff Planner – Robert Davis



* Deferral
** Withdrawal

3. APPROVAL

(COUNCIL on September 5)

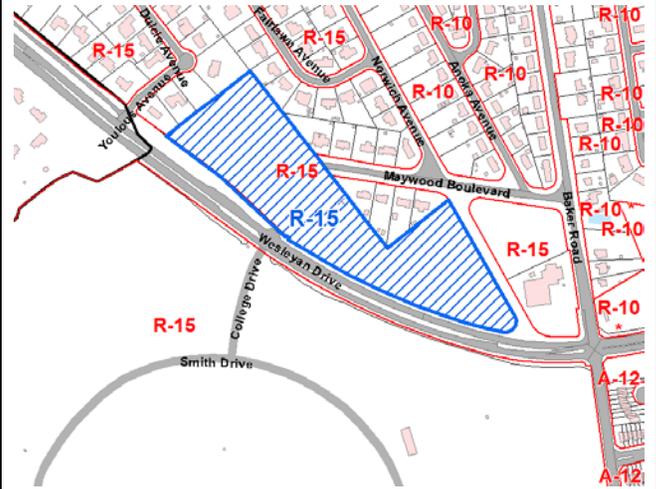
Franklin Johnston Group Management & Development, LLC [Applicant] Virginia Wesleyan College [Owner]

Conditional Rezoning (R-15 Residential to Conditional A-24 Apartment)

5900 Wesleyan Drive

(GPIN 1458958699)

COUNCIL DISTRICT – BAYSIDE
Staff Planner – Jimmy McNamara



4. APPROVAL

(COUNCIL on September 5)

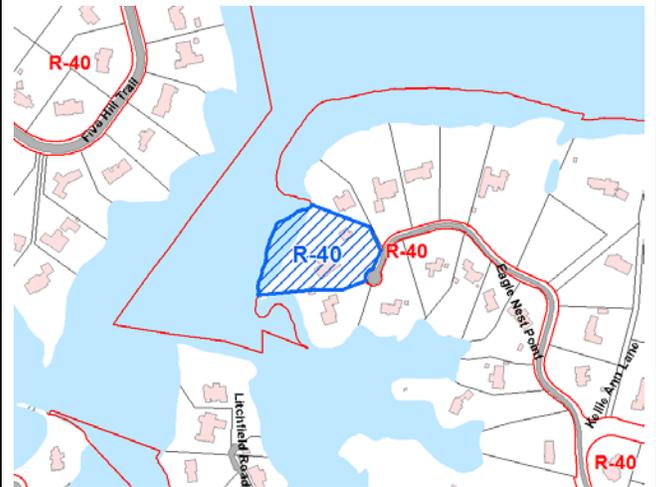
Clarence E. & Doris V Bryan/ Cindy Feldman [Applicants] Clarence E. & Doris V Bryan [Owners]

Subdivision Variance (Section 4.4 (b) of the Subdivision Regulations)

3388 Eagle Nest Point

(GPIN 1489803700)

COUNCIL DISTRICT – BAYSIDE
Staff Planner – Jimmy McNamara



* Deferral
** Withdrawal

5. APPROVAL

(COUNCIL on August 15)

**Real Investment Associates, Inc. [Applicant]
Walter Land, Paulette Christine Land,
Cheyenne Land, Stanley Lee Land, Joseph
Edward Land, Sr. Rhonda Hudgins a/k/a
Ronette Hudgins, Randy Hudgins, Rodney
Hudgins, Raymond Hudgins, Jr., Margie Ree
Baxter, Raymond Lee Hawkins, Lorna Williams
a/k/a Elona Williams, Edward James Williams
a/k/a Argan Williams, Patrick Williams, Dunk
Williams a/k/a Alphonzo Williams, Zelma
Hawk, William Sneed, C.E. Gentle, Jr., Dala
Corporation [Owners]**

Subdivision Variance (Section 4.4 (b) of the
Subdivision Ordinance)

1337 Reedtown Road

(GPIN 1478680720)

**COUNCIL DISTRICT – BAYSIDE
Staff Planner – Robert Davis**



6. APPROVAL

(COUNCIL on August 15)

**Hospice House of South Hampton Roads, Inc.
[Applicant] City of Virginia Beach [Owner]**

Conditional Use Permit (Hospice House
[Sanitarium])

East Side of Upton Drive, North of Nimmo
Parkway

(GPIN 2414461943)

**COUNCIL DISTRICT – PRINCESS ANNE
Staff Planner – Stephen J. White**



* Deferral
** Withdrawal

7. APPROVAL

(COUNCIL on August 15)

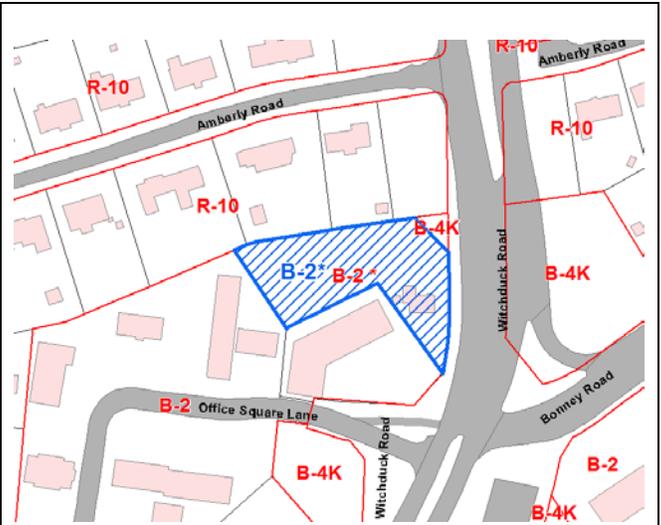
Mogul Properties, LLC [Applicant & Owner]

Conditional Rezoning (Conditional B-2 Community Business to Conditional B-1A Limited Community Business)

317 S Witchduck Road

(GPIN 1467706098)

COUNCIL DISTRICT – KEMPSVILLE
Staff Planner – Jonathan Sanders



8. DEFERRED

Grace Bible Church of Virginia Beach, Inc.
[Applicant] **Mary H. Smith, Trustee of the Mary H. Smith Revocable Trust [Owner]**

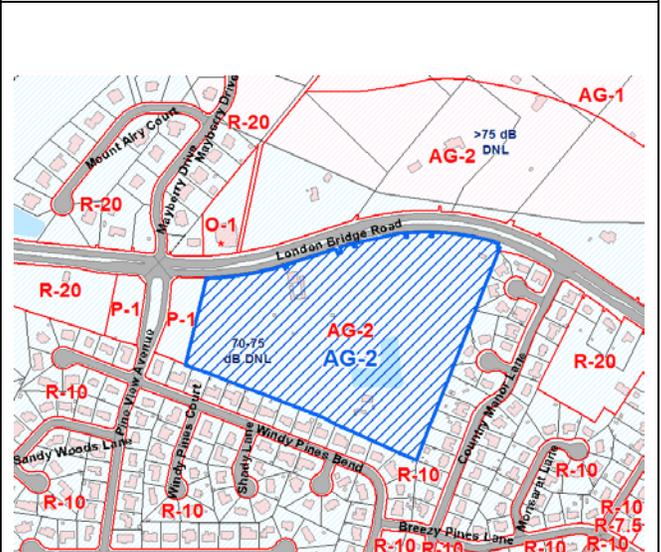
Conditional Use Permit (Religious Use)

Conditional Rezoning (AG-2 Agricultural to Conditional B-2 Community Business)

2285 London Bridge Road

(GPIN 2405702584)

COUNCIL DISTRICT – PRINCESS ANNE
Staff Planner – Jonathan Sanders



9. APPROVAL

(COUNCIL on August 15)

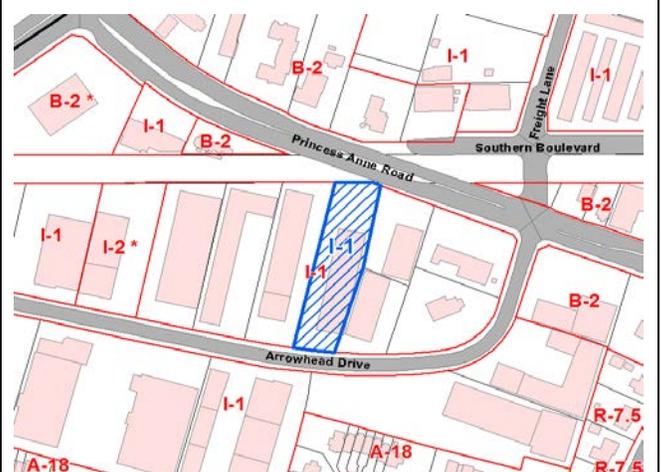
Milagros Montesa [Applicant] Beach Holdings, LLC [Owner]

Conditional Use Permit (Automotive Repair Garage)

5768 Arrowhead Drive, Unit C

(GPIN 1467031723)

COUNCIL DISTRICT – KEMPSVILLE
Staff Planner – Robert Davis



* Deferral
** Withdrawal

10. DEFERRED

SXCW Properties II, LLC [Applicant] Fulton Bank, N.A. [Owner]

Conditional Use Permit (Car Wash & Automobile Service Station)

3264 Holland Road

(GPIN 1495093490)

COUNCIL DISTRICT – ROSE HALL
Staff Planner – Jimmy McNamara



11. DEFERRED

Ocean Bay Homes, Inc. [Applicant] Patricia A. Martino, Trustee of the Patricia A. Martino Living Trust [Owner]

Subdivision Variance (Section 4.4 (b) of the Subdivision Regulations)

2422 Baltic Avenue

(GPIN 2417996690)

COUNCIL DISTRICT – BEACH
Staff Planner – Jonathan Sanders



12. APPROVAL

(COUNCIL on August 15)

Mermaid Winery at the Beach, LLC [Applicant] Foon & Bik Wong [Owner]

Conditional Use Permit (Craft Winery & Assembly Use)

4401 Shore Drive

(GPIN 1479778573)

COUNCIL DISTRICT – BAYSIDE
Staff Planner – Jimmy McNamara



* Deferral
** Withdrawal

13. APPROVAL

(COUNCIL on September 5)

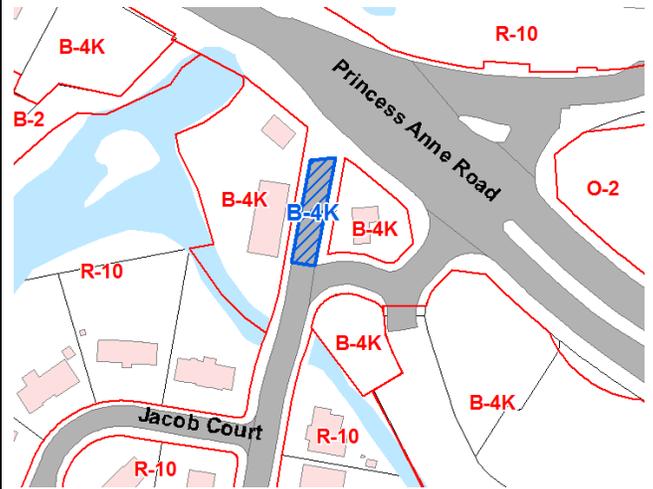
Princess Anne Estate Trust & Virginia Beach Financial Center, Inc. [Applicant]

Street Closure

Portion of Lord Dunmore Drive, approximately 200 feet in length between Princess Anne Road and relocated Lord Dunmore Drive

(Adjacent GPINs 1466683940 & 1466681966)

COUNCIL DISTRICT - KEMPSVILLE
Staff Planner – **Stephen J. White**



PREVIOUSLY DEFERRED

D1. APPROVAL

(COUNCIL on September 5)

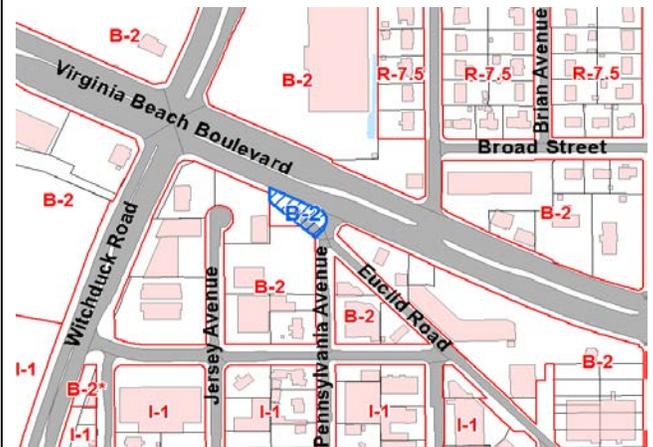
5073 Virginia Beach Blvd [Applicant]

Street Closure

Unimproved Strip of Euclid Road formerly Broad Creek Road

(Adjacent GPIN 1467858567)

COUNCIL DISTRICT – BAYSIDE
Staff Planner – **Jimmy McNamara**



* Deferral
** Withdrawal

D2. APPROVAL

(COUNCIL on September 5)

5073 Virginia Beach Blvd [Applicant]

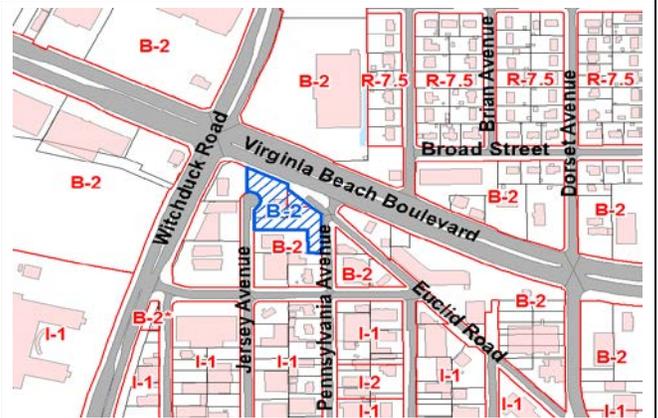
Modification of Conditions

5073 Virginia Beach Boulevard

(GPIN 1467858567)

COUNCIL DISTRICT – BAYSIDE

Staff Planner – Jimmy McNamara



D3. APPROVAL

(COUNCIL on August 15)

Bickford of Virginia Beach, LLC [Applicant]

Larry B. Slipow & Princess Anne Road Investments, LLC [Owners]

Conditional Rezoning (AG-2, O-2 & Conditional B-2 to Conditional O-2)

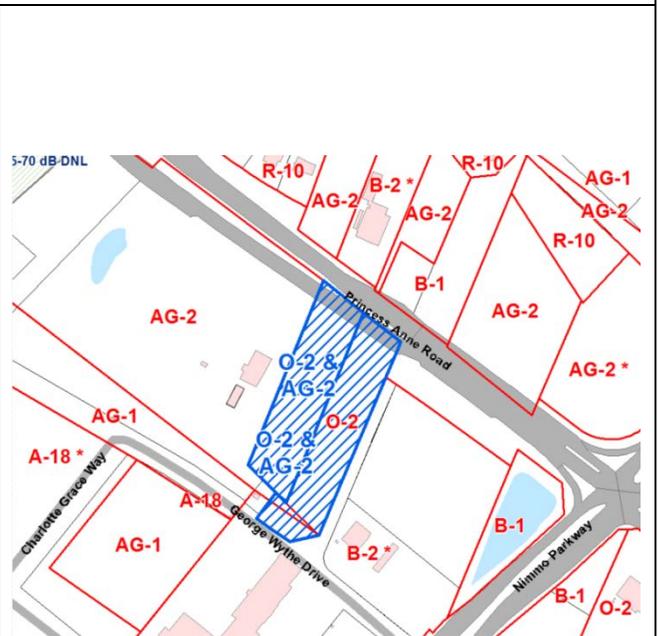
Conditional Use Permit (Housing for Seniors and Disabled Persons)

2625 & 2629 Princess Anne Road & a portion of 2476 Nimmo Parkway

(GPINs 1494644297, 1494646109, & a portion of 1494633417)

COUNCIL DISTRICT – PRINCESS ANNE

Staff Planner – Jimmy McNamara



* Deferral
** Withdrawal

D4. APPROVAL

(COUNCIL on August 15)

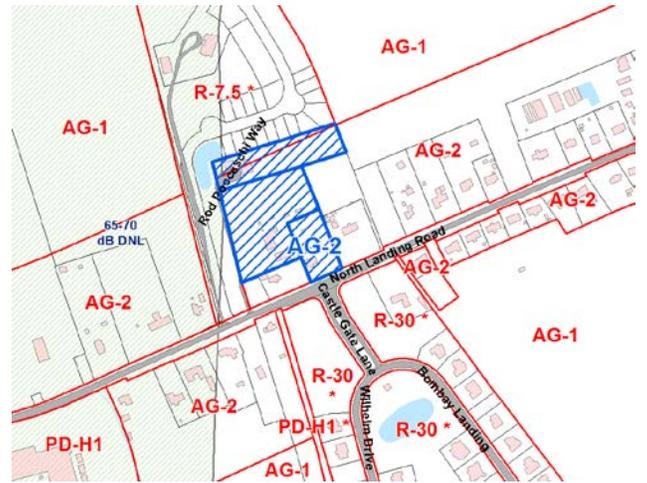
Enclave at PA BC, LLC [Applicant] Enclave at PA BC, LLC & Anthony B. Huffman, Jr. [Owners]

Conditional Rezoning (AG-1 & AG-2 Agricultural to PD-H2 Planned Unit Development (R-7.5 Residential))

2754 North Landing Road, 2804 North Landing Road, & eastern 1.2 acres of 2808 North Landing Road

(GPINs 1494409163, 1494408502, 1494407232)

COUNCIL DISTRICT – PRINCESS ANNE
Staff Planner – Stephen J. White



D5. APPROVAL

(COUNCIL on August 15)

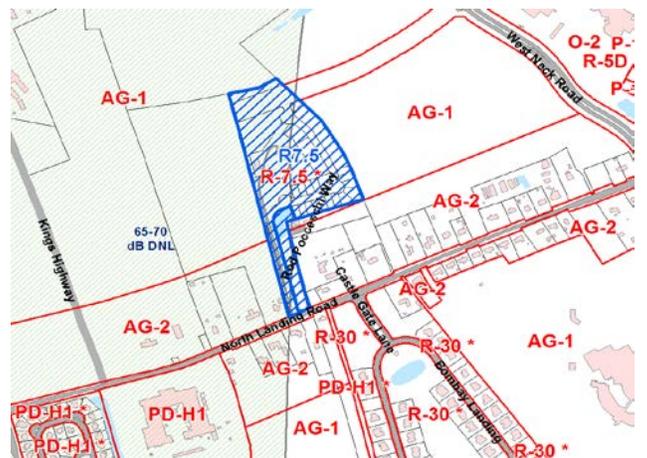
The Enclave at Princess Anne Homeowners' Association, Inc. & The Enclave at PA BC, LLC [Applicants & Owners]

Modification of Proffers

North Side of North Landing Road, 2,700 feet west of West Neck Road

(GPINs 1494403579, 1494406621, 1494406672, 1494407614, 1494407666, 1494408617, 1494408639, 1494409710, 1494409774, 1494409861, 1494409847, 1494409912, 1494408996, 1494418070, 1494418044, 1494418029, 1494417194, 1494417178, 1494417242, 1494417217, 1494416370, 1494416334, 1494416307, 1494416122, 1494416057, 1494416085, 1494407919, 1494407934, 1494407859, 1494407875, 1494407810, 1494406769, 1494406717, 1494405776, 1494404576, 1494413213)

COUNCIL DISTRICT – PRINCESS ANNE
Staff Planner – Stephen J. White



* Deferral
** Withdrawal